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APPLICATION NO	.] 1	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/646,057		08/22/2003	Sam Collins	Marquis:Alcove2	8808	
26790	7590	04/21/2004		EXAM	EXAMINER	
		KAREN DANA	PHILLIPS, CHARLES E			
PMB 1020 15450 SW		FERRY ROAD #	ART UNIT	PAPER NUMBER		
LAKE OS	WEGO, O	R 97035		3751		

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-11 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-11 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.				$I\Lambda\Lambda$
## Examiner Art Unit 3751 — The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. □ Exercision of this may be available under the provision of 37 CFR 1 (351e), in so event, however, may a reply be limited by the provision of 37 CFR 1 (351e), in so event, however, may a reply be limited by the state of		Application No.	Applicant(s)	
Charles E Phillips 3751		10/646,057	COLLINS ET AL.	
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Application/Control Number: 10/646,057

Art Unit: 3751

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1 is rejected under 35 U.S.C. 102(b) as being anticipated by Weir '148 and Weir '322.

See the jets 50, 52 and 35 respectively which are positioned on a seat back. The seat structure provides full response here.

Claim5 is rejected under 35 U.S.C. 102(b) as being anticipated by Weir '322 as applied supra.

The term "spa system "defines no structure not inherent in a swimming pool.

Clause (d) is deemed met by the flow through 35.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-4 and 6-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification provides no support for the terms "first arm portion", "interior first arm surface", "first arm face". "second arm portion" "interior second arm surface" and "second arm face".

Art Unit: 3751

As the terms of the 112 first rejections supra are not present no art search has been performed and the IDS has not been considered.

Any inquiry concerning this communication should be directed to Charles Phillips at telephone number 308-1515.

Phillips/DL

April 16, 2004

Charles E. Phillips Primary Examiner